

COMMISSIONERS PROCEEDINGS  
AUGUST 22, 2006  
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Stuart, Morris, and Boldt, Chair, present.

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

*The Board of Commissioners adjourned and convened as the Board of Health*

PUBLIC COMMENT

*Bruce Deile*, homeless person, commented about the denial of medical care due to cost and presented some statistics, as well as read an editorial from Nicholas Kristov. Mr. Deile stated that he contracted Lyme disease from a tick bite and the treatment is very costly. He said he's been all over the country denied IV antibiotics at every low income clinic and ER he has gone to. He noted that the NIH states that this treatment brings a full recovery in most Lyme disease patients. Deile further explained.

CONSENT AGENDA

There being no public comment, **MOVED** by Stuart to approve items 1 through 4. Board members Boldt, Stuart, and Morris voted aye. Motion carried. (See Tape 291)

BOARD OF HEALTH COMMUNICATIONS

*Adjourned and reconvened as the Board of Commissioners*

PUBLIC COMMENT

Speaker #1

*Jeff Stanton* commented on the issue of voting by mail. Mr. Stanton cited the Washington State Constitution, Article I, Section I, which states, "All political power is established to protect and maintain the individual rights." The second amendment reads, "Supreme law of the land is the Constitution of the United States." He stated that everything done by the legislature must comply with the Constitution of the State of Washington. Stanton provided copies of the Constitution to the board. He also referenced the 14<sup>th</sup> Amendment of the Constitution, which has to do with citizenship rights, and further explained. Stanton stated that the legislature enacted the vote by mail, which was then sent to the Board of County Commissioners for public comment and deliberation after which they voted to approve. Mr. Stanton stated that under the U.S. Constitution all elections are to be done at the polls. He said his rights as a United States citizen are being violated by not

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requiring the Governor to do her job to see that the laws are faithfully executed and he intended to file a formal complaint with the U.S. Justice Department. He also asked that the board address the issue of voter qualifications in Clark County and what they are doing to protect the rights of U.S. citizens. He wanted to know why the board and the Washington State Legislature are not following the Constitution.

*Boldt* said that was probably a question for the legislature. On the issue of polls, he said the board could get an answer to Mr. Stanton.

*Stuart* said this sounded like a Constitutional law question best addressed by attorneys. He thought Mr. Stanton had some good points that could be addressed by the Attorney General's office and that he would be interested in hearing what they have to say regarding Mr. Stanton's complaint. From there, they might have a better idea of how to proceed.

*Stanton* said he wanted the board to challenge it.

Speaker #2

*Bruce Deile*, homeless person, followed up on his earlier comments regarding the lack of access to medical care and stated that he has been denied care in Colorado Springs, Colorado, and Asheville, North Carolina. Mr. Deile said he emailed the Director of the County Health Department, as well as posted the email on a Lyme Disease Web site.

*Boldt* asked Mr. Deile if he had sent an email to Clark County.

*Deile* said no because he just recently arrived in Vancouver.

*Boldt* suggested he do that.

*Deile* noted that at the SHARE house, there's a sign prominently posted that reads "Free Vasectomies", which he thinks is very offensive. He further explained.

*Boldt* asked if he had raised the issue with anyone at the SHARE house.

*Deile* said no because a counselor had been abusive to him when he was there. He said he was bringing this to the county's attention because they provide some funding to the SHARE house. Deile also brought up the issue of anti-panhandling ordinances and referenced recent editorial letters in the Columbian newspaper, which are opposed to panhandling. He asked that the board not create an anti-panhandling ordinance. He read a letter he wrote in response to this issue and added that the reason he has to panhandle is because of the lack of medical care he's received.

Speaker #3

*Jennifer* (last name inaudible), resident of La Center, submitted a letter to the board.

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CONSENT AGENDA

*Boldt* asked that item 7 (Resolution to establish a temporary “one way” street on Delfel Road) be pulled for further discussion.

There being no public comment, **MOVED** by Stuart to approve items 1 through 17, with the exception of item 7. Commissioners Boldt, Stuart, and Morris voted aye. Motion carried. (See Tape 291)

*Boldt* asked staff to provide further explanation regarding the resolution establishing a temporary one-way street on Delfel Road.

*Bill Wright*, Department of Public Works, explained that this was one of the last traffic management measures implemented to improve the intersection of Delfel Road and 179<sup>th</sup> during amphitheater events. He said the principal advantage was that it would separate southbound traffic into two lanes, one of which would turn left to go to I-5 southbound and the other would turn right to go to the amphitheater or points west along 179<sup>th</sup>. By making Delfel road one-way between 184<sup>th</sup> and 179<sup>th</sup> and separating the traffic into the two flow streams, the efficiencies of the intersection would be greatly increased. An indirect effect would be a decrease of some of the queues on I-5.

*Boldt* wanted to know if there would be a benefit for the residents living in that area.

*Wright* said there would probably be some inconvenience to the people living in the area, but he couldn't definitely say whether it would exceed the current level of inconvenience.

*Boldt* wanted to know if the people who exit I-5 northbound at 179<sup>th</sup> Street have to go up to 199<sup>th</sup> and go across and come down or if they could take a left.

*Rob Klug*, Department of Public Works, responded that with the current traffic management plan people can either turn left on 179<sup>th</sup> and north on 11<sup>th</sup> or go straight off the interchange north and then turn left at 199<sup>th</sup>, which happens to be manually controlled during events by the state patrol during the ingress. He stated that the Department of Transportation was going to install a signal there presumably this year.

*Boldt* said people can get off of I-5, take a left on 179<sup>th</sup> and pass the entrance and keep going west.

*Klug* said yes.

*Morris* wanted to know what the traffic count on Delfel is during the hours they are considering.

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*Wright* noted that the most recent traffic counts they have are from October 2003. He said the northbound traffic counts on an average week day was about 1,135 cars per day, which translates into about 115 cars an hour during the PM peak hour of traffic and about 60 cars an hour during the hour immediately after the PM peak hour of traffic. So there's a car every 30-45 seconds during the PM peak hour northbound and a car every minute during the hour after.

*Morris* asked if that was those people who come off of the I-5 interchange go west on 179<sup>th</sup> and north on Delfel.

*Wright* said that was the number of people passing a point 200 feet north of 179<sup>th</sup> Street on Delfel.

*Morris* wanted to know if that was past the gas station.

*Klug* said yes.

*Boldt* wondered if a temporary basis translated to trying it for a couple of concerts to see how it works.

*Wright* said the exact parameters haven't been spelled out, but the thought was that it would be done for the largest events in which traffic congestion is anticipated. He said it would be subject to the review and authorization of the County Engineer.

*Morris* asked what the southbound counts were on the 200 foot mark north of 179<sup>th</sup> during large events. She said she would like a statistical number, as well as for someone to address how keeping it southbound at the end of a concert is helpful.

*Klug* said the proposal would be to only have it during the ingress.

*Morris* noted that the resolution reads "two hours before and one hour after," and asked why they would want to do that.

*Wright* said the point of doing that was to allow flexibility, but probably would not be needed.

*Morris* asked what the southbound traffic counts were.

*Klug* said it's about 500-600 cars per hour, but can go up considerably depending on the concert.

*Morris* said during that period of time there's approximately four times the number of southbound vehicles on Delfel than northbound.

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*Klug* said that was right.

[Public comment opened.]

*Lee Churchman*, 184<sup>th</sup> Street, stated that this wasn't actively noticed to the general public it will affect and that if the board passed the resolution, it would affect over 1,000 homes in the area. Mr. Churchman said if the board goes along with staff's proposition they will be making this a private road used for amphitheater traffic and there is also the concern of public safety and access to that area in the event of an emergency. He said the issue is the off-ramp on 179<sup>th</sup> Street, which was supposed to have solved the problem, but did not. He referenced the study done in 2003 and noted that things have changed and there are more traffic issues now. Churchman said if the board approves this, he believed they would be doing a great disservice to the people who live in the area.

*Bridget Schwarz*, Ridgefield, Fairgrounds Neighborhood Association, stated that the board did not have all the information necessary to make a decision on this. She said the problem they are dealing with today has been caused by other traffic management measures imposed by the traffic management plan for the amphitheater. Ms. Schwarz said there have been problems since day one and after the first year there were over \$50,000 prohibited traffic conditions. She further explained. Schwarz said they had hoped to be able to resolve these kinds of issues and be part of the process. She said that at a work session last February, community representatives weren't afforded equal time to provide their viewpoint and subsequently scheduled work sessions were canceled. She asked the board to take the time and put this aside so they can get the big picture of what is going on in traffic management for amphitheater events and get feedback from the people who live in the area. Schwarz said the board needs to take a look at what's going on with growth in the area and what's happening with amphitheater traffic now. She said this proposal may solve one problem, but would only cause others.

*Randy Printz*, 805 Broadway, stated that the amphitheater has been in compliance with all of its traffic conditions since year two. He referenced earlier comments that there's more traffic out there today and the amphitheater is responsible for reanalyzing and accommodating that additional traffic, which he said is not the case. He said their CUP requires them to meet the traffic conditions that were present in 1999. He also referred to comments made about the traffic being worse and said that in terms of amphitheater operations, that's not the case and that there's much more traffic in the area due to a variety of factors. Printz said this was not a compliance issue, but simply an ongoing commitment from the amphitheater to work with the county on an ongoing basis to try and make transportation out there work as best it can for a special event. One idea was to make the very south end of that leg of Delfel two lanes and then the folks coming from Battle Ground who aren't going to turn west to go to the amphitheater can continue unimpeded all the way south and turn onto the freeway. He said that's the primary reason for doing this because it shortens the queue on Delfel. In terms of impact for those who live on 184<sup>th</sup> or 189<sup>th</sup>, there's a little bit, but that's why they do outreach such as

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neighborhood meetings and sending out schedules, etc., so that people can avoid that area on the night of a show. He said those people have a variety of ways to access their homes, particularly from the west side. He said their thought is to try this out for the last few events of the year and see how it works. If it works well, perhaps they would implement it through the normal process of changing the transportation management plan adopted for the amphitheater, which is reviewed and approved annually.

*Morris* wanted to know what was considered a large event.

*Printz* said probably 8,000-9,000 and above.

*Morris* wanted to know how many shows this year have hit that.

*Printz* said probably three so far and conceivably two more this season.

*Morris* wanted to know how far in advance they make those decisions.

*Printz* said as far as traffic control they work with WSDOT and the county and it's probably a week or two in advance.

*Morris* said as far as the timing, the staff report speaks to two hours prior, then during, and one hour after an event, which is probably 7 or 8 hours. She asked if he could explain why once an event begins they would need to maintain the southbound lanes.

*Printz* said he didn't think they would. He said it could be maybe 3 hours max.

*Morris* said she thought it would be more sensible to say 2 hours before, until perhaps 1 hour after the beginning of an event.

*Boldt* asked how they would measure how it's working.

*Printz* said they would get feedback from the neighborhood and they would also be able to tell from the length of the queue that goes back up north Delfel.

*Morris* said this is about getting in and not about getting out at the end of a show.

*Printz* said that was correct. He further explained.

*Schwarz* stated that the traffic impact study was flawed from the start and the traffic management has had problems from the start as well. She said the board is being asked to take a very narrow look at one aspect of the problem. She added that backing up traffic is a prohibited traffic condition. She further explained.

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*Morris* stated that any change to amphitheater traffic has become a flashpoint of confrontation between the neighbors and the amphitheater owners and the only arbiters in that discussion are the County Engineer and the Board of Commissioners. She said they are talking about a potential of 15 hours of changed traffic patterns and it seemed worth a try. *Morris* referenced Mr. Churchman's comment about public roads becoming private roads. She said she believed 179<sup>th</sup> Street eastbound from 36<sup>th</sup> Avenue has become a private road. She said if she can get into the Fairgrounds from that very same entrance for any other event that occurs there, except for an amphitheater event, then they have indeed turned roads, during specific periods of time, into the private ownership of the people who live along them. *Morris* said she was willing to try it for the 15 hours of southbound only traffic on Delfel. She also suggested they amend the staff report to clarify that they are talking about 2 hours prior to the beginning of a concert and 1 hour after its beginning and she didn't see any reason to maintain it for any period of time beyond the 3 hours.

*Stuart* said they are talking about an experiment, but he remembered a similar experiment with the HOV lane, which was only supposed to be for 2 hours a day, but caused so much angst. *Stuart* stated that he would be a lot more interested if they were talking about how to get people out of the concerts instead of how to get people into concerts. He said he would want to know how they would measure success in this limited fashion and until he could see what success would look like, he was reticent to move forward. He noted that he has attended three graduations and he, as well as others who have attended, can see the value and recognize the success of the amphitheater. He reiterated that they need to work on the issue of egress.

*Boldt* said he agreed with trying it for the 15 hours as long as they state they are not going to continue it beyond that and come back with a full work session before they extend it. He added that the measurements would need to be there in order for them to go forward with a work session. He asked if that was agreeable.

*Morris* said it was. She suggested they ask Pete Capell to develop his standards for success for the remainder of the season. He would then be able to tell whether or not he meets them and share results with the board. She said Mr. Barron had pointed out that they could amend the language regarding the hours in the resolution itself so in the third line down it would read, "The one-way designation shall normally be in effect from two hours before to one hour after the beginning of a scheduled event."

There being no further public comment, **MOVED** by *Morris* to approve consent agenda item 7, as amended. Commissioners *Boldt* and *Morris* voted aye. Commissioner *Stuart* voted nay. Motion carried. (See Tape 291)

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PUBLIC HEARING: ROAD VACATION, NE HYLEN WAY

Held a public hearing to consider the Engineer's Report and Preliminary Order to Vacate all that portion of NE Hylen Way that lies north of and adjacent to the Kogan Subdivision. Hearing continued from July 11, 2006.

*Christy Osborn*, Representing the Department of Public Works, presented. Ms. Osborn explained that NE Hylen Way is a 60-foot right-of-way located in the R-43 zoning district and is within the Urban Growth Boundary of the City of Vancouver. She stated that they have received comments from adjacent property owners, particularly the Continental Condominium Association. Issues identified concerns with continued emergency access and secondary access that is used during inclement weather. She further explained. Osborn said staff is recommending approval of the Engineer's Report and Preliminary Order to Vacate NE Hylen Way and it is conditioned that an easement for utilities be held by Clark County, and for the payment of all administrative costs and expenses associated with the road vacation.

*Boldt* wanted to know if the resolution before the board is tied with the hearing examiner's report.

*Osborn* stated that per discussions with Chris Horne, Prosecuting Attorney's Office, they are limited in what conditions they can place on a road vacation. She said the site plan approval was conditioned for the development that is in conjunction with the road vacation request, which would be binding on the applicant.

*Chris Horne*, Prosecuting Attorney's Office, stated that this was a somewhat unique situation because there would clearly be some public benefit provided by the road and this was an attempt to address two competing concerns and work through both. He said Commissioner Boldt's question is very well framed because there is at least the potential that the developer could change his or her mind and challenge the condition once the vacation is completed. He said a relatively simple way to handle it would be to withhold the execution of the final road vacation resolution until they work out a covenant that puts in concrete form the developer's promise to live by the conditions of site plan approval. The other solution would be that the board make the resolution conditional upon the developer complying with those, although that's a bit more complicated. Horne further explained.

[Public comment opened.]

*Charles Meder*, President, Continental Condominium Association, 311 NE 85<sup>th</sup> Street, said the concern they have relates to use of their east gate because they only have two entrances and it would primarily be used for emergency vehicle access. Mr. Meder wanted to know if a covenant would be transferable.



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*Stuart* responded that covenants generally run with the land in perpetuity.

*Meder* said as long as they are guaranteed access they don't have any problems with the vacation.

*David Taylor*, Fire Chief, Clark County Fire District 6, 8800 NE Hazel Dell Avenue, stated that as long as the access remains east to west and was not from the south, he was satisfied.

*Eric Golemo*, Sturdevant, Golemo & Associates, representative for the petitioner, Salmon Creek Development, stated that they have no problem granting the access easement, but would prefer a method that would simplify the process. Mr. Golemo suggested that in the resolution under Condition 8, where it states the vacation be conditioned on: 1.) that an easement be maintained for existing utilities; and 2.) payment of the administrative costs and expenses be made in full.

*Stuart* said that was the Engineer's Report and referenced the Preliminary Order to Vacate, which is what the board would be signing.

*Golemo* asked if it would be possible to add a similar condition that says "the easement be retained for existing utilities and emergency vehicle access"?

*Horne* said the statute doesn't contemplate the board retaining easements other than the easements for utilities under 36.87. He said he thought the board could do it; they certainly have complete authority subject to the statute about how they want to conditionally release it, but it has to be access for emergency vehicles, police and fire, and would have to include an as needed seasonal access by the condominium association. Mr. Horne said that could be accomplished here, although it may be a bit awkward, or it could be accomplished through a covenant. He said either would probably work and he would be glad to work with the board and rewrite the condition and put it in the resolution itself.

*Boldt* asked if they could get a covenant out pretty quickly.

*Horne* said he didn't think it would take very long to do it.

*Boldt* asked Mr. Golemo if that was acceptable.

*Golemo* said that sounded reasonable.

*Meder* said they would like to have daily access of the east gate, not just on an emergency basis. He asked if they could have a covenant without any preconceived limitations on use of the east gate.

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*Osborn* noted that as part of the site plan condition, it states that a note be placed on the final site plat that states the applicant hereby grants the public access for ingress and egress, including emergency access through NE 86<sup>th</sup> Loop—which is Hylen Way—after the road vacation, making NE 86<sup>th</sup> Loop a private road easement.

*Meder* said that would be fine.

There being no further public comment, **MOVED** by Stuart to approve RV 06-126, approving the Engineer's Report and Preliminary Order to vacate NE Hylen Way. Commissioners Boldt, Stuart, and Morris voted aye. Motion carried. (See Tape 292)

CAMP BONNEVILLE

Held a meeting to discuss approval of forwarding correspondence to the Governor expressing Clark County's interest in receiving early transfer of Camp Bonneville and requesting gubernatorial review of the transfer for concurrence pursuant of 42 USC 9620.

*Bronson Potter*, Prosecuting Attorney's Office, noted that a draft letter had been completed, but it wasn't intended to be finalized until after the board's discussion. Potter indicated that Mr. Gage of BCRRT and Mr. Putnam of MKM were present to answer any questions.

*Morris* said as they proceed that they jointly, willingly, and cooperatively work with BCRRT, and all of their partners, to ensure that the houses that abut the property line in the area known as Summer Hills are secure on their side of the fence.

*Mike Gage*, BCRRT, said they could work cooperatively with the county on that. He asked if it was Autumn Hills.

*Barron* clarified that it was Autumn Hills.

*Boldt* he wanted to ensure that the Governor knew from him that they agree with going forward, but did not want to push anyone into approval. He said he thought the letter would state that, as well as that there would have to be a thorough investigation by the Department of Ecology.

*Stuart* said the concern he raised at the previous hearing regarding potential liability for clean-up of contaminated groundwater plume was addressed by staff from the Army regarding that and who would ultimately be responsible. He said he was satisfied that through the initial money that comes in, along with the insurance for any overages, that the county is not exposed to risk of clean-up.

There being no further comment, **MOVED** by Stuart to forward correspondence to the Governor of Washington State expressing Clark County's interest in receiving early

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transfer of Camp Bonneville and requesting gubernatorial review of the transfer for concurrence pursuant of 42 USC 9620.

*Stuart* said that regarding the concerns expressed by Commissioner Boldt that the letter is clear that they want the Governor's Office to do a full evaluation and not feel pressured by anybody, he agreed with that and also wanted to make sure they are clear that they are moving forward with clean-up of a contaminated site and this is what they are moving forward with, and that there is a reuse plan attached to this but that the reuse plan will be in some ways determined by what they find in the clean-up. He referenced the DOE's comments that a cemetery would be expensive due to the need to have a MEC expert present every time a hole is dug; however, he thought about some military cemeteries that are above ground mausoleums. He thought there were opportunities to continue working with Veterans and that they had a lot of flexibility within the use plan to do what's right.

Commissioners Boldt, Stuart, and Morris voted aye. Motion carried. (See Tape 292)

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There was no comment.

**2:00 P.M. PUBLIC BID OPENINGS**

Present at bid opening: Louise Richards, Board of County Commissioners Office; Mike Westerman and Allyson Anderson, General Services-Purchasing Department

BID OPENING 2453

Held a public hearing for Bid Opening 2453 – Annual Supply and Placement of Bark Dust. Mike Westerman, General Services, opened and read bids and stated that it was the Purchasing Department's intention to award Bid 2453 on August 29, 2006 at 10:00 a.m., in the Commissioners' hearing room of the Clark County Public Service Center, 6<sup>th</sup> Floor. (See Tape 292)

BID OPENING 2454

Held a public hearing for Bid Opening 2454 – Stripe Remover. Mike Westerman, General Services, opened and read bids and stated that it was the Purchasing Department's intention to award Bid 2454 on August 29, 2006 at 10:00 a.m., in the Commissioners' hearing room of the Clark County Public Service Center, 6<sup>th</sup> Floor. (See Tape 292)

BID OPENING CRP330722

Held a public hearing for Bid Opening CRP330722 – NE Heisson Road & NE 244<sup>th</sup> Street Intersection. Mike Westerman, General Services, opened and read bids and stated

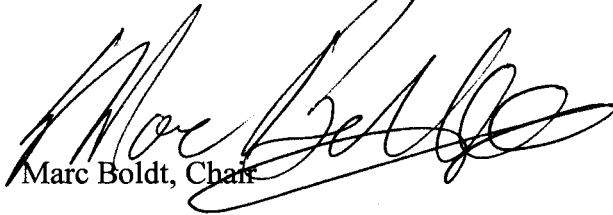
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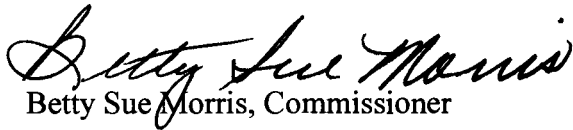
that it was the Purchasing Department's intention to award Bid CRP330722 on August 29, 2006 at 10:00 a.m., in the Commissioners' hearing room of the Clark County Public Service Center, 6<sup>th</sup> Floor. (See Tape 292)

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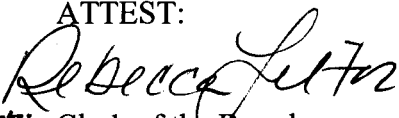
Marc Boldt, Chair

Steve Stuart, Commissioner



Betty Sue Morris, Commissioner

ATTEST:



**Deputy** Clerk of the Board

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